



KENTUCKY REGISTRY OF ELECTION FINANCE

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ADVISORY OPINION 2009-001

Any advisory opinion rendered by the Registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121.135(4).

January 26, 2009

Mr. Douglas R. Wright
159 North Johns Rd.
Butler, KY 41006
Office fax # 859-235-0737

Dear Mr. Wright:

By letter dated December 23, 2008 (received December 29, 2008), you requested an Advisory Opinion regarding the following facts:

In 2006, you were elected Commonwealth's Attorney for the 18th Judicial Circuit. You presently intend to seek re-election in 2012; however, Registry records reflect that you do not currently have an open campaign account, having closed your 2006 campaign account on January 7, 2007. In addition, you have not filed, nor do you wish to file at this time, a Letter of Intent which would trigger quarterly reporting requirements with the Registry until your next election year. See KRS 121.180(3)(b).

Between now and the time you will formally file for re-election in 2012, you desire to be actively involved in the community, supporting youth events, purchasing advertising space in programs for civic and school events, purchasing animals at youth livestock sales, and sponsoring special programming on a local radio station. To the extent that you pay for this advertising space, you state that you would like to use your name and position title; however, you prefer to personally pay these expenses until such time as you file for re-election to the Office of Commonwealth's Attorney.



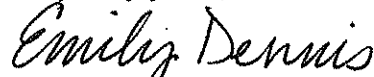
You state that it is your understanding if you were to run a paid article or advertisement asking for votes, or to engage in any of the above-referenced community activities during an election cycle, you would need to use funds from your campaign account and include a disclaimer on advertisements. You specifically question if there is an election cycle outside of which these rules do not apply; and whether you must use campaign funds to pay for civic and community advertisements that include your name and public position outside the 2012 election cycle.

KRS 121.180(3) requires you, as a candidate, to report all contributions and authorized expenditures, including expenditures for advertisements which expressly advocate your election as defined in KRS 121.065(2) and KRS 121.190(1). Therefore, if your proposed civic advertisement contains any reference to an election, voting, or even delivery of campaign promises as a public official, then payment for the advertisement should be made through a campaign account and reported as a campaign expenditure. The rules applicable to your reporting expenditures for political advertisements apply regardless of whether the advertisement is made during or outside an election cycle.

However, inasmuch as you have not filed a future year letter or raised or spent money with a view to seeking re-election in 2012, you may personally purchase *non-political* advertisements in your role as a civic and community member such as any professional would do without triggering the necessity of using campaign funds or reporting requirements to the Registry. Non-political advertisements are not subject to the jurisdiction of the Registry of Election Finance. Please keep in mind that your continual challenge will be public perception of these civic and community advertisements, which others may view to be political and campaign-related. Furthermore, at such time as you are prepared to publicly announce your candidacy for the 2012 election, you should take care so as not to create the perception that your prior personal support of civic activities was in reality a campaign effort.

Please keep in mind that this Advisory Opinion is based on the specific facts set forth in your written request and does not cover past conduct. If you have any questions concerning this opinion, please do not hesitate to contact the Registry. Thank you.

Very truly yours,



Emily Dennis
General Counsel